



Note Verbale No: 112/2025/PRUN-GVA

The Permanent Mission of the Republic of Malta to the United Nations Office and Other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights – Special Procedures Branch and has the honour to refer to the Joint Communication from Special Procedures dated 29th July 2025 with reference AL MLT 1/2025.

The Permanent Mission wishes to inform that Communication AL MLT 1/2025 was brought to the attention of the pertinent Maltese authorities. In this connection, the Permanent Mission is hereby communicating the reply to the above-mentioned Communication, constituting the official reply of the Government of Malta.

The Government wishes to inform that considering the fact that this is a sub-judice case, it would not be opportune to provide evidence publicly at this stage in the proceedings.

The Maltese authorities maintain that the version of the facts set out in the decree of the Court of Magistrates (Malta) as a Court of Criminal Inquiry of 15 March 2019 is consistent with the evidence available, as further supported by materials compiled subsequently at the pre-trial stage, including testimonies from eyewitnesses on the ship, statements from individuals acting on behalf of the State, expert reports, ship data, recordings, and other relevant information.

The legal provisions at national level on terrorism at large, exist in their current form by virtue of Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA.

The arrest of the three defendants, their preventive custody and prosecution for inter alia terrorist offences were substantiated and thereby rendered proportionate in light of the acute threats to the safety of those on board the El Hiblu 1 and to the national security of a sovereign State. Charges were justified, based on domestic and international legislation.

It is also worth noting the fact that radiological assessments (age assessment examination) to determine the bone density and therefore age of all three defendants were requested by the prosecution throughout the compilation of evidence stage, subsequent to their having been charged. Following this assessment, it was found that none of the defendants were minors at the time of the incident on the 28th of March 2019.

As regards the steps taken to guarantee freedom from arbitrary detention and the right to a fair trial and due process, it is crucial to point out that Malta's Constitution enshrines the following basic key fair trial rights, which are universal and applicable to all and sundry:

- An independent and impartial court system;
- The Presumption of innocence;
- The availability to legal aid for those unable to afford a lawyer;
- The right to confront witnesses, call defence witnesses and ask for interpreter assistance if/when needed; and
- The right against self-incrimination.

Moreover, since 1987, the European Convention on Human Rights has been rendered part of Maltese law (via Act XIV of 1987), with ECHR judgments directly enforceable by the Constitutional Court. Finally, detainees have the right to challenge the lawfulness of their detention before a court and seek prompt release and just compensation if detention is found unlawful.

Asylum seekers at national level are assisted at large in line with the provisions set out in Chapter 420 of the Laws of Malta, which in and of itself also transposes European standards set out in Directives 2005/85/EC, 2013/32/EU, 2011/95/EU and 2013/33/EU. Asylum seekers may also file human rights applications with the Courts.

The Permanent Mission of the Republic of Malta to the United Nations Office and Other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights – Special Procedures Branch the assurance of its highest consideration.

15th September 2025



**UN OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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